

**RECORD WITHOUT FEE
PURSUANT TO GOV'T CODE § 6103**

Recording Requested by:
Office of the City Attorney
City of Santa Clara, California

When Recorded, Mail to:
Office of the City Clerk
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Form per Gov't Code § 27361.6

[SPACE ABOVE THIS LINE FOR RECORDER'S USE]

**AGREEMENT AND COVENANT RUNNING WITH THE LAND
[DEFERMENT OF PUBLIC IMPROVEMENTS]**

[Restriction on Site No. 6765]

PREAMBLE

This Restrictive Covenant Running with the Land ("Covenant") is made and entered into on this ____ day of _____, 2008 ("Effective Date"), by and between Mission Terrace, LLC, a California limited liability company, ("Owner"), and the City of Santa Clara, California, a chartered California municipal corporation ("City").

RECITALS

1. Owner is the owner of real property located at 1883 Agnew Road, in the City of Santa Clara, California ("Property"). This property is shown on the 2004-2005 Santa Clara County Property Tax Roll as Assessor's Parcel Number 097-08-102.
2. City and Owner may be referred to herein collectively as the "Parties" or individually as a "Party".

AGREEMENT PROVISIONS

The Parties agree as follows:

1. Owner is the owner of certain real property located at 1883 Agnew Road, in the City of Santa Clara, California, which property is shown on the 2004-2005 Santa Clara County Property Tax rolls as Assessor's Parcel No's. 097-08-102, (herein "Property").